



## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hitoshi YAMAKADO

Group Art Unit: 2135

Application No.: 10/061,174

Examiner: L. HA

Filed: February 4, 2002

Docket No.: 111885

For: DATA PROCESSING SYSTEM UTILIZING DISCRETE OPERATING DEVICE

### PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

After entry of the Notice of Appeal filed herewith, Applicant respectfully requests review of the Final Rejection mailed January 4, 2006, in the above-identified application. No amendments are being filed with this request.

#### **I. Status of Pending Claims**

Claims 1-8 are pending. Claims 1-8 are rejected. No amendments are being filed with this request.

#### **II. Grounds of Rejection Presented For Review**

The following ground of rejection is presented for review: claims 1-8 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,695,207 (Norris). However, claims 1-8 would not have been obvious in view of Norris. Claims 1, 3, 5 and 7 are the rejected independent claims, and this rejection is the only rejection of claims 1-8.

The Office Action appears to assert that Norris discloses a second memory, a determining device, and a data processing device, as recited in each of independent claims 1, 3, 5, and 7. The Office Action cites col. 9, lines 36-39 and col. 11, lines 25-33 of Norris as teaching these features. See page 3, lines 5-15 of the Office Action. However, at page 3, lines 16-19, the Office Action further asserts "Norris, Jr. include second memory and to update data in the second memory obviously validates that the user is who the user claims to be by verifying the authorization data sent from the first memory of the PAC 10 device with the reference data stored in the instrumentality 20." The Office Action cites col. 9, lines 30-34 and line 64 through col. 10, line 3 of Norris. However, here Norris only discloses an authorized person identification means, which determines whether a user is an authorized person by comparing the most recently received data identifying the user with reference data identifying the authorized person. The Office Action then asserts that "it would have been obvious . . . to include a second memory . . ." To the extent that the Patent Office's reasoning can be understood, Applicant respectfully disagrees that the claims would have been obvious in view of Norris.

Norris does not disclose or suggest storing the comparison result in a memory or updating a memory with the comparison result. That is, Norris fails to disclose or suggest a first memory which stores identification data and a determining device to determine at intervals whether identification data received by a receiving device matches the identification data stored in the first memory and a second memory in which a latest determination result for every determination is updated, as recited in independent claim 1.

Norris also fails to disclose or suggest receiving identification data transmitted from an operating device, determining at intervals whether the received identification data matches identification data stored in a first memory, updating data in a second memory with a latest determination result for every determination, detecting an input by an operating device,

referring to a determination result stored in the second memory, in response to the input detection, and performing data processing corresponding to the detected input, if the referred determination result is affirmative, as recited in independent claims 3, 5 and 7.

For the foregoing reasons, Applicant respectfully submits that Norris would not have led one of ordinary skill in the art to the invention of independent claims 1, 3, 5, and 7 or any of the claims dependent therefrom. Reconsideration and withdrawal of this rejection are thus respectfully requested.

**III. Conclusion**

For all of the reasons discussed above, it is respectfully submitted that the rejection is in error and that all the pending claims are in condition for allowance. For all of the above reasons, Applicant respectfully requests the panel of Examiners to review the January 4, 2006 Final Rejection prior to Appeal and to withdraw the rejection.

Respectfully submitted,



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Attachment:  
Notice of Appeal

Date: April 4, 2006

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